

1
2
3
4
5
6
7
8
9

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOCATION BASED TECHNOLOGIES, a Nevada corporation, No. C 09-01618 WHA

Plaintiff,

v.

JENS DALSGAARD, et al.,

Defendants.

**ORDER REGARDING
DEFENDANTS' PETITION TO
COMPEL ARBITRATION**

Plaintiff is ordered to file by **MONDAY, JUNE 8, 2009, AT 9:00 A.M.**, any further response to defendants' "emergency petition to compel arbitration and motion for stay." In that submission, plaintiff shall identify with particularity any issue required to be tried to a jury on the question of arbitrability within the meaning of 9 U.S.C. 4. Plaintiff shall also supply case law dealing with how courts treat petitions to compel when not all parties are subject to the arbitration agreement. Please also address the authority of the Court to enter interim injunctive relief pending the appointment of an arbiter if the petition is granted. Defendants may file any reply to plaintiffs' submission by **MONDAY, JUNE 8, 2009, AT 3:00 P.M.** Witnesses Morse, Dalsgaard and Gilliam must be present at the Court Tuesday, June 9, at 7:30 a.m., and be prepared to testify in accordance with the schedule set forth at yesterday's hearing. The pendency of the petition to compel arbitration shall not be a valid excuse for failure to appear and/or to testify.

IT IS SO ORDERED.

Dated: June 4, 2009.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE